



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

**CIVIL APPLICATION NO. 9459 OF 2023
IN SA/3/2025**

**SMT SHANTBAI SHRIRAM RATHOD AND ORS
VERSUS
SHRI JOSHI GANA RATHOD AND ORS**

...
Advocate for Applicants : Mr. Mukhedkar Amit Arunkumar
Advocate for Respondent Nos. 1, 27 and 8 : Mr. U.S.Mote
...

**CORAM : SHAILESH P. BRAHME, J.
DATE : 8th JULY 2025**

PER COURT :

1. This application is for condonation of delay, setting aside abetment and bringing heirs of deceased Respondent Nos. 3A, 4E and 9 on record. It is contended that the legal heirs of deceased Respondent are already on record except that of Respondent Nos. 4E and 9.
2. Learned Counsel for the Respondent Nos. 1, 27 and 8 opposes the application. It is contended that there is inordinate delay. No timely steps were taken.
3. I have considered rival submissions of the parties. The legal heirs of the deceased Respondents are necessary parties. The cause of action survives against them. There are no malafides on the part of the Applicants in filing application of delay. The heirs of all the

deceased Respondents except Respondent Nos. 4E and 9 are on record.

4. Civil Application is allowed in terms of prayer clauses 'B' to 'E'.

5. Amendment shall be carried out within period of two weeks.

SHAILESH P BRAHME
JUDGE

NATJEEB..